

DEC 15 2008

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

ARTHUR SIMONI : DOCKET NO. 2:08-cv-1437  
A070449395 : Section P  
VS. : JUDGE TRIMBLE  
MICHAEL MUKASEY, ET AL. : MAGISTRATE JUDGE KAY

**AMENDED REPORT AND RECOMMENDATION**

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Arthur Simoni, pursuant to 28 U.S.C. § 2241. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

Petitioner, a citizen of Albania, filed this petition on September 25, 2008, seeking to have this court order his release from custody. At the time of filing, the petitioner was under an order of removal issued on March 31, 2008. Petitioner claimed that there was no significant likelihood of removal in the reasonably foreseeable future. On October 14, 2008, the court sent petitioner correspondence [Doc. 2] acknowledging receipt of his petition. The correspondence was returned to the court from the Federal Detention Center in Oakdale, Louisiana, with a notation on the envelope that the petitioner had been deported. Further, the Federal Bureau of Prison's website stated that the petitioner had been released on October 3, 2008. Thus, the court filed a Report and Recommendation [Doc. 4]<sup>1</sup> recommending dismissal of this matter as moot.

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<sup>1</sup>The current Amended Report and Recommendation replaces the original Report and Recommendation.

Thereafter, petitioner filed an objection [Doc. 5] to the Report and Recommendation, wherein he noted that on October 3, 2008, he was transferred from Oakdale to the Lasalle Detention Center<sup>2</sup> in Jena, Louisiana. In his objection, he complained about his continued detention at the Lasalle facility. In looking into petitioner's objections, the court was informed by Oakdale staff that petitioner was deported on December 2, 2008.

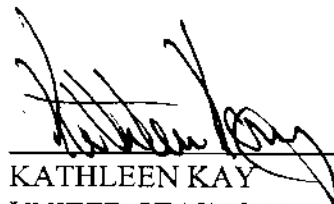
Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 12<sup>th</sup> day of December, 2008.

  
KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> This is a temporary detention center for individuals who are waiting for their immigration status to be determined or who are awaiting repatriation.